

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 786

Introduced by Schrock, 38

Read first time January 20, 1999

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to the Livestock Waste Management Act; to amend
- 2 section 54-2408, Reissue Revised Statutes of Nebraska; to
- 3 change application requirements for a permit; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-2408, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-2408. (1) On or after June 1, 1998, any person
4 required to obtain a permit for a livestock waste control facility
5 under section 54-2404 shall file an application with the department
6 in the manner established by the department. The application shall
7 contain a signed and sealed statement by the county clerk that all
8 regulations and ordinances are being complied with by the
9 applicant. The application fees shall be three hundred dollars for
10 a class I livestock waste control facility, eight hundred dollars
11 for a class II livestock waste control facility, one thousand five
12 hundred dollars for a class III livestock waste control facility,
13 and five thousand dollars for a class IV livestock waste control
14 facility. For permit modifications the fee shall equal the amount
15 of the application fee for the class of the proposed modification
16 minus the application fee paid for the original application. If
17 the permit modification will result in a lower class designation,
18 there shall be no fee.

19 (2) The department, in conjunction with the livestock
20 waste management task force, shall conduct a study to recommend
21 appropriate inspection or operation fees which may be charged to
22 livestock waste control facilities under the Livestock Waste
23 Management Act. Such fees shall, if implemented, in conjunction
24 with other recommended revenue sources, be sufficient to pay the
25 costs of administering and enforcing the act. Such study shall
26 also include best management practices for odor control, the
27 feasibility of requiring financial assurance requirements for class
28 III and class IV livestock waste control facilities and the

1 creation of an indemnification fund, and an analysis of the new
2 technologies available relating to the disposal of dead animals. A
3 report of such study shall be submitted to the Natural Resources
4 Committee of the Legislature no later than December 1, 1998.

5 (3) All fees collected under this section and section
6 54-2406 shall be remitted to the State Treasurer for credit to the
7 Livestock Waste Management Cash Fund which is created for the
8 purposes described in the act. Any money in the fund available for
9 investment shall be invested by the state investment officer
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 (4) On or before January 1 of each year, the department
13 shall submit a report to the Legislature in sufficient detail to
14 document all direct and indirect costs incurred in the previous
15 fiscal year in carrying out the Livestock Waste Management Act
16 including the number of inspections conducted for each class of
17 livestock waste control facility, the number of permitted livestock
18 waste control facilities, the number of livestock operations
19 inspected, the size of the livestock waste control facilities, and
20 other elements relating to carrying out the act. The
21 Appropriations Committee of the Legislature shall review the report
22 in its analysis of executive programs in order to verify that the
23 revenue generated from fees was used solely to offset appropriate
24 and reasonable costs associated with carrying out the act.

25 Sec. 2. Original section 54-2408, Reissue Revised
26 Statutes of Nebraska, is repealed.